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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Mexico

1. The Committee considered the eleventh periodic report of Mexico (CERD/C/263/Add.10) at its 1206th and 1207th meetings (CERD/C/SR.1206 and 1207) on 17 and 18 March 1997. At its 1231st, 1234th and 1235th meetings on 14, 15 and 18 August 1997, respectively, it adopted the following concluding observations:

A. Introduction

2. The Committee welcomes the continuation of the dialogue with the Government of Mexico. It expresses its satisfaction to the State party for the diligence with which the Government submitted its report, which follows the new guidelines established by the Committee. The Committee also expresses its satisfaction for the oral replies provided by the delegation during the consideration of its report.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested the Mexican Government to consider the possibility of doing so.

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee recognizes that Mexico is a country in which a large number (56) of ethnic and indigenous groups with extremely varied cultural and linguistic traditions live side by side. Mexico is also characterized by

extreme poverty that affects large and mainly indigenous segments of the population, particularly in the province of Chiapas, where a conflict between a national liberation movement and the local and federal authorities has been continuing since 1994. Despite numerous institutional, political, economic and social initiatives, the Mexican authorities have not fully succeeded in eliminating endemic poverty, which has aggravated the social inequalities that affect indigenous populations in particular, nor in restoring social peace in the State of Chiapas.

C. Positive aspects

5. The Committee notes with satisfaction the numerous initiatives taken by the National Human Rights Commission during the period under consideration, and in particular the work done on behalf of imprisoned indigenous inhabitants, as well as the radio and television programmes intended to increase awareness of, disseminate information about and provide education in human rights.

6. The efforts made by the State party since 1994 to restore peace in the state of Chiapas are noteworthy. The establishment, in 1995, of the Concord and Peace Commission and the creation in December 1996 of the Commission for Monitoring and Verification of the Peace Agreements were particularly welcome. The investigation by the National Human Rights Commission of complaints submitted by the civilian population concerning human rights violations and the conclusion of the agreement of 16 February 1996 on indigenous rights and culture constitute significant progress in the pacification process.

7. The Committee also takes note of the many programmes and measures recently introduced by the Mexican authorities to combat extreme poverty and to promote the economic, social and cultural development of the indigenous populations.

D. Principal subjects of concern

8. The Committee regrets the existence of differences with the State party over the interpretations of the Convention. These differences were already noted during the consideration of previous reports, particularly with regard to the persistence of racial or ethnic discrimination against certain social groups and the failure fully to implement the provisions of article 4 of the Convention. The Committee also regrets the inaccuracy of the data on the composition of the population of the State party.

9. Concern was expressed over the persistence of discriminatory practices -some involving the authorities - directed against members of indigenous groups.

10. At the present time, national legislation is not in conformity with the provisions of article 4 of the Convention; this is a source of serious concern, since the State party has not yet taken all the necessary steps to effectively prevent and combat the different forms of racial and ethnic discrimination.

11. With regard to article 5 of the Convention, in certain situations, an individual's right to enjoy equal treatment in the courts is not effectively guaranteed for members of indigenous groups. Specifically, they are not guaranteed the right to express themselves in their own languages during legal proceedings.

12. Concern was expressed over the right to security of person, particularly for indigenous inhabitants and illegal immigrants. This right to security of person has in certain cases been violated by representatives of the forces of law and order, paramilitary groups and landowners. All too often, those responsible for these crimes have gone unpunished.

13. The Committee is concerned about the protection of the political rights of members of indigenous groups and would appreciate additional information concerning their participation in the national parliament and in political organs.

14. With respect to the enjoyment of economic, social and cultural rights, the Committee notes with concern that the members of indigenous groups live in extreme poverty. The fact that the report of the State party contains no social and economic indicators of the marginalization and non-integration of certain population groups is regrettable in this connection. Lastly, another source of concern is the land delimitation and distribution process, which does not seem to have fully respected the land rights of the indigenous populations.

15. As for the implementation of article 6 of the Convention, the Committee notes with concern that the report of the State party contains no information on the number of complaints, judgments and compensation awards arising from all kinds of racist acts.

16. With regard to article 7, and despite the obvious efforts made recently by the Government of Mexico, the Committee notes with concern the continuing inadequacy of the measures adopted to provide appropriate human rights training for State law enforcement officials who are in regular contact with "vulnerable" populations, and particularly members of the forces of law and order and prison personnel.

17. The absence of local and federal legislation guaranteeing indigenous populations the possibility of a bilingual and bicultural education remains a source of concern.

18. The fact that the report of the State party contains no accurate statistics on the indigenous population makes it difficult to analyse the extent to which this large segment of the population enjoys the rights recognized by the Convention.

19. Lastly, the situation in the State of Chiapas remains unstable and of considerable concern, since political negotiations have been suspended, despite the efforts announced by the Government authorities as well as by the Zapatist National Liberation Army. This tense situation is aggravating the precariousness of the indigenous populations living in that region.

E. Suggestions and recommendations

20. The State party is requested to furnish, in its next report, detailed statistics on the various indigenous groups living in Mexico.

21. The Committee hopes that the State party will continue its efforts to improve the effectiveness of measures and programmes designed to ensure that members of all population groups, especially the 56 indigenous groups, fully enjoy their political, economic, social and cultural rights. The Committee also recommends that the State party should devote due attention to the legislative changes required as well as to the development of programmes to foster awareness of human rights, particularly among representatives of the State.

22. The Committee requests the Government to Mexico to provide, in its next periodic report, precise information and "indicators" on the social and economic difficulties encountered by indigenous populations. The Committee also draws the State party's attention to the need to devise "indicators' to evaluate policies and programmes for protecting and promoting the rights of vulnerable populations.

23. The Committee recommends that the State party should do everything possible to speed up current legislative reforms and, more specifically, to bring national legislation fully into line with the provisions of article 4 of the Convention.

24. The State party should also take the necessary steps to allow citizens from indigenous populations to be elected in political elections and to have access to the civil service.

25. The Committee recommends that the State party should take all appropriate measures to ensure equal and impartial treatment before the law for all persons, and particularly those from indigenous groups. In particular, it invites the Mexican authorities to offer indigenous inhabitants the possibility of expressing themselves in their mother tongue in all judicial proceedings.

26. The Committee recommends that the Government of Mexico should exercise greater vigilance in the protection of the fundamental rights of indigenous inhabitants and other vulnerable groups of society, who are regularly the victims of intimidation, violence and serious human rights violations. It hopes that the competent authorities will systematically prosecute those responsible for such crimes, regardless of whether they are members of private militias or State officials, and that effective preventive measures will be taken, including the training of members of the police force and the army. The State party should also ensure that the victims of such acts are compensated.

27. The Committee recommends that the State party should find just and equitable solutions to land delimitation, distribution and restitution problems. Everything possible should be done to protect indigenous inhabitants from all forms of discrimination in such matters.

28. In order to be able to evaluate the implementation of article 6 of the Convention, the Committee recommends that the State party should present, in its next report, information on the number of complaints, judgments and compensation awards arising from racist acts, regardless of their nature.

29. The Committee recommends that the State party should make every effort to provide multicultural education for everyone.

30. The Committee recommends that the State party should give nationwide publicity to its eleventh periodic report and to the Committee's concluding observations thereon.

31. The Committee recommends that the State party should ratify as soon as possible the amendments to article 8, paragraph 6, of the Convention, which were adopted at the Fourteenth Meeting of States Parties.

32. The Committee recommends that the State party's next periodic report should be a more detailed one and should address all the questions raised in these concluding observations.